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OFFICE OF PETITIONS

In re Application of
BAUM, et al.
Application No.: 09/778,187
Filed: February 06, 2001
Attorney Docket No.: 2873-US

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 18, 2005, to revive the above-identified application.

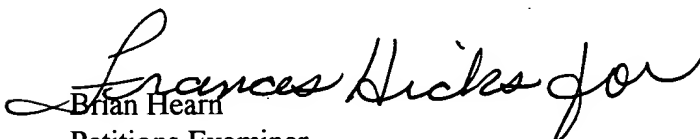
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed June 11, 2004, which set a shortened statutory period for reply of three (3) months. While a timely reply was filed on December 13, 2005 (reply was accompanied by petition for a three-month extension of time and December 11, 2004 was a Saturday), that reply, a Request for Continued Examination (RCE), was improper as indicated in the Office communication mailed April 6, 2005. Accordingly, by operation of law, the above-identified application became abandoned on December 14, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE) and submission as required by 37 CFR 1.114; (2) the petition fee and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of June 11, 2004 is accepted as having been unintentionally delayed.

The application is being referred to Technology Center AU 1644.

Telephone inquiries concerning this decision should be directed to Derek A. Putonen at (571) 272-3294 or in his absence, the undersigned at (571) 272-3217


Brian Hearn
Petitions Examiner
Office of Petitions